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LEGISLATIVE SUPPLEMENT

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PART - I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 24th January, 2023

No. Leg. 3/2023.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 16th January, 2023 and is hereby published for general information:-

HARYANA ACT NO. 3 OF 2023**THE HARYANA PANCHAYATI RAJ (AMENDMENT) ACT, 2022**

AN

ACT

further to amend the Haryana Panchayati Raj Act, 1994.

Be it enacted by the Legislature of the State of Haryana in the Seventy-third Year of the Republic of India as follows:-

1. This Act may be called the Haryana Panchayati Raj (Amendment) Act, 2022. Short title.
 2. After clause (xxi) of section 2 of the Haryana Panchayati Raj Act, 1994 (hereinafter called the principal Act), the following clause shall be inserted, namely:- Amendment of section 2 of Haryana Act 11 of 1994.

‘(xxi-a) “Divisional Commissioner” means the Divisional Commissioner of the division;’.
 3. In section 9 of the principal Act,- Amendment of section 9 of Haryana Act 11 of 1994.
 - (a) for sub-section (4), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 2nd September, 2022, namely:-

“(4) The wards of panch shall be reserved for the Backward Classes (A) in every Gram Panchayat and the number of wards so reserved shall bear, as nearly as may be, the same proportion to the total number of wards in that Gram Panchayat as one-half of the percentage of population of Backward Classes (A) to the total population in that Gram Sabha area and rounded off to the next higher integer in case the decimal value is 0.5 or more and such wards shall be allotted by draw of lots among the wards other than that reserved for Scheduled Castes and also by rotation in the subsequent elections:

Provided that every Gram Panchayat shall have at least one panch belonging to the Backward Classes (A) if its population is two percent or more of the total population of the sabha area and such ward shall be allotted by draw of lots among the wards other than that reserved for Scheduled Castes and also by rotation in the subsequent elections:

Provided further that where the number of wards so reserved for Backward Classes (A) under this sub-section added to the number of wards reserved for the Scheduled Castes exceeds fifty percent of the total number of wards in that Gram Panchayat, then the number of wards reserved for the Backward Classes (A) shall be restricted to such largest number that shall lead to the total of the wards reserved for the Backward Classes (A) and Scheduled Castes not exceeding fifty percent of the total wards in that Gram Panchayat.
- Explanation.**—For the purposes of reservation of Backward Classes (A) under this sub-section, the population of the Gram Sabha area and the population of Backward Classes (A) in said sabha area shall be such, as may be drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021), on such date, as may be notified by the Government.”;

- (b) for sub-section (7), the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 2nd September, 2022, namely:-

“(7) Eight percent of the total number of offices of Sarpanch in a block and rounded off to the next higher integer in case the decimal value is 0.5 or more shall be reserved for Backward Classes (A) and shall be allotted by draw of lots among the highest three times the number of Gram Panchayats proposed for reservation for Backward Classes (A) which are having the largest percentage of population of Backward Classes (A) after excluding those Gram Panchayats where the post of Sarpanch is already reserved for Scheduled Castes under sub-section (5) and also by rotation in the subsequent elections:

Provided that where the number of offices of Sarpanch in a block so reserved for Backward Classes (A) under this sub-section added to the number of offices of Sarpanch reserved for the Scheduled Castes in that block exceeds fifty percent of the total number of offices of Sarpanch in that block, then the number of offices of Sarpanch reserved for the Backward Classes (A) shall be restricted to such largest number that shall lead to the total of the offices of Sarpanch reserved for the Backward Classes (A) and Scheduled Castes not exceeding fifty percent of the total offices of Sarpanch in that block.

Explanation.—For the purposes of reservation of Backward Classes (A) under this sub-section, the population of the block and the population of Backward Classes (A) in said block shall be such, as may be drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021), on such date, as may be notified by the Government.”.

Amendment of section 51 of Haryana Act 11 of 1994.

4. In section 51 of the principal Act,-

- (i) after sub-section (3), the following sub-section shall be inserted, namely:-

“(3A) The Director or the Deputy Commissioner, as the case may be, shall assess the amount due, if any, from the person removed under sub-section (3) on account of any loss, waste or mis-application of Gram Fund or property as consequence of his negligence or misconduct and the Deputy Commissioner shall recover the amount of loss within a period of three months from the date of order and if the amount is not recovered within the said period, the same shall be recovered as arrears of land revenue.”;

- (ii) in sub-section (5), for the word “Government” occurring at the end, the words “Divisional Commissioner” shall be substituted.

Amendment of section 53 of Haryana Act 11 of 1994.

5. In section 53 of the principal Act,-

- (i) in sub-section (2),-

(a) for the words “Block Development and Panchayat Officer”, the words and sign “Sub-Divisional Officer” shall be substituted;

(b) the words “and take necessary steps for its recovery” existing at the end shall be omitted;

- (ii) after sub-section (4), the following sub-section shall be inserted, namely:-

“(4A) The Deputy Commissioner shall recover the amount of loss assessed by the Sub-Divisional Officer within a period of three months from the date of order and if the amount is not recovered within the said period, the same shall be recovered as arrears of land revenue.”.

Amendment of section 59 of Haryana Act 11 of 1994.

6. For sub-section (4) of section 59 of the principal Act, the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 2nd September, 2022, namely:-

“(4)The wards of member shall be reserved for the Backward Classes (A) in every Panchayat Samiti and the number of wards so reserved shall bear, as nearly as may be, the same proportion to the total number of wards in that Panchayat Samiti as one-half of the

percentage of population of Backward Classes (A) to the total population in that block and rounded off to the next higher integer in case the decimal value is 0.5 or more and such wards shall be allotted by draw of lots among the wards other than that reserved for Scheduled Castes and also by rotation in the subsequent elections:

Provided that where the number of wards of Panchayat Samiti so reserved for Backward Classes (A) added to the number of wards reserved for the Scheduled Castes exceeds fifty percent of the total number of wards in that block, then the number of wards reserved for the Backward Classes (A) shall be restricted to such largest number that lead to the total of the wards reserved for the Backward Classes (A) and Scheduled Castes not exceeding fifty percent of the total number of wards in that Panchayat Samiti.

Explanation.—For the purposes of reservation of Backward Classes (A) under this sub-section, the population of the block and the population of Backward Classes (A) in said block shall be such, as may be drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021), on such date, as may be notified by the Government.”.

7. For sub-section (4) of section 120 of the principal Act, the following sub-section shall be substituted and shall be deemed to have been substituted with effect from the 2nd September, 2022, namely:—

Amendment of section 120 of Haryana Act 11 of 1994.

“(4) The wards of member shall be reserved for the Backward Classes (A) in every Zila Parishad and the number of wards so reserved shall bear, as nearly as may be, the same proportion to the total number of wards in that Zila Parishad area as one-half of the percentage of population of Backward Classes (A) to the total population in that Zila Parishad area and rounded off to the next higher integer in case the decimal value is 0.5 or more and shall be allotted by draw of lots among the highest three times of the number of wards of Zila Parishad proposed for reservation of Backward Classes (A) which are having the largest percentage population of Backward Classes (A) after excluding those wards of Zila Parishad already reserved for Scheduled Castes and also by rotation in the subsequent elections:

Provided that where the number of wards of Zila Parishad so reserved for Backward Classes (A) under this sub-section added to the number of wards reserved for the Scheduled Castes exceeds fifty percent of the total number of wards in that Zila Parishad, then the number of wards of Zila Parishad reserved for the Backward Classes (A) shall be restricted to such largest number that shall lead to the total of the wards reserved for the Backward Classes (A) and Scheduled Castes not exceeding fifty percent of the total number of wards in that Zila Parishad.

Explanation.—For the purposes of reservation of Backward Classes (A) under this sub-section, the population of the Zila Parishad area and the population of Backward Classes (A) in said area shall be such, as may be drawn from the Family Information Data Repository established under the provisions of the Haryana Parivar Pehchan Act, 2021 (20 of 2021), on such date, as may be notified by the Government.”.

8. (1) The Haryana Panchayati Raj (Amendment) Ordinance, 2022 (Haryana Ordinance No. 1 of 2022), is hereby repealed.

Repeal and saving.

- (2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

BIMLESH TANWAR,
ADMINISTRATIVE SECRETARY TO GOVERNMENT, HARYANA,
LAW AND LEGISLATIVE DEPARTMENT.